



Department of Justice

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DEPARTMENT OF JUSTICE AND FEDERAL TRADE COMMISSION
SIGN ANTITRUST MEMORANDUM OF UNDERSTANDING WITH CHINESE
ANTITRUST AGENCIES

Memorandum Provides for Increased Cooperation and Coordination

WASHINGTON – Assistant Attorney General Christine Varney of the Department of Justice’s Antitrust Division and Federal Trade Commission (FTC) Chairman Jon Leibowitz today signed an antitrust memorandum of understanding (MOU) with China’s three antitrust agencies to promote communication and cooperation among the agencies in the two countries. The MOU also was signed by Gao Hucheng, China International Trade Representative and Vice Minister of the Ministry of Commerce (MOFCOM), Peng Sen, Vice Chairman of the National Development and Reform Commission (NDRC), and Zhong Youping, Vice Minister of the State Administration for Industry and Commerce (SAIC).

“Our cooperative relationship with the Ministry of Commerce, the National Development and Reform Commission and the State Administration for Industry and Commerce has steadily strengthened,” said Assistant Attorney General Varney. “This memorandum of understanding is a reflection of that relationship, and, by establishing a framework for enhanced cooperation among our agencies, the MOU also allows us to move to the next chapter in our collaboration on competition law and policy matters.”

“In the three years since China’s antimonopoly law came into effect, its enforcement agencies have risen in prominence and have quickly developed many of the important analytical techniques used by leading antitrust agencies around the world,” FTC Chairman Leibowitz said. “We look forward to continuing to share our experiences with China’s enforcement agencies as they confront many of the same challenges in implementing their laws that other agencies have faced, and we are confident that China will continue to build its agencies and enforcement mechanisms in positive ways.”

The MOU provides for periodic high-level consultations among all five agencies as well as separate communications between individual agencies. It also lists several specific avenues for cooperation, including:

- Exchanges of information and advice about competition law enforcement and policy developments;

- Training programs, workshops and other means to enhance agency effectiveness;
- Providing comments on proposed laws, regulations and guidelines; and
- Cooperation on specific cases or investigations, when in the investigating agencies' common interest.

The MOU will not change existing law in either country. China enacted its antimonopoly law in 2007, and the antimonopoly law took effect on Aug. 1, 2008. China's antimonopoly law enforcement responsibility is divided among three agencies: MOFCOM, which handles review of mergers and acquisitions; NDRC, which enforces the law against price-related anticompetitive conduct; and SAIC, which is responsible for non-price-related anticompetitive conduct.

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